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# ***Public Utilities Commission of the State of California***

## ***Public Agenda 3163***

***Thursday, December 1, 2005 10:00 a.m.***

***San Francisco, California***

### **Commissioners**

**Michael R. Peevey, President**

**John A. Bohn**

**Geoffrey F. Brown**

**Dian M. Grueneich**

**Susan P. Kennedy**

*For each agenda item, a summary of the proposed action is included; the Commission's decision may, however, differ from that proposed.*

*Website: <http://www.cpuc.ca.gov>*

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### **Scheduled Commission Meetings 505 Van Ness Avenue, San Francisco**

<i>Ratesetting Deliberative Meeting*</i> Room 5305 (1:30 p.m.) <b><i>Closed to the Public</i></b>	<i>Commission Meeting</i> Auditorium (10 a.m.) <b><i>Open to the Public</i></b>
Monday, December 12, 2005 (San Francisco)	Thursday, December 01, 2005 (San Francisco)
Monday, January 09, 2006 (San Francisco)	Thursday, December 15, 2005 (San Francisco)
Monday, January 23, 2006 (San Francisco)	Thursday, January 12, 2006 (San Francisco)
Tuesday, February 14, 2006 (San Francisco)	Thursday, January 26, 2006 (San Francisco)
	Thursday, February 16, 2006 (San Francisco)

*\*Ratesetting Deliberative Meeting dates are reserved as noted but will be held only if there are ratesetting matters to be considered and a Commissioner has requested that a Ratesetting Deliberative Meeting be held.*

### ***Matters of Public Interest***

***For the convenience of the public and media representatives, items of widespread public interest will be taken up at the beginning of the meeting.***

For further information contact the Public Advisor  
(415) 703-2074 E-mail: [public.advisor@cpuc.ca.gov](mailto:public.advisor@cpuc.ca.gov)



This location is accessible to people with disabilities. If specialized accommodations for the disabled are needed, e.g. sign language interpreters, please call the Public Advisor at (415) 703-2074 or TTY# (415) 703-5282 or toll free # 1-866-836-7825 three business days in advance of the meeting.

## PUBLIC COMMENT

The following items are not subject to public comment:

- All items on the closed session agenda.
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**Public Comment:**

## Consent Agenda

*Items shown on the Consent Agenda will be taken up and voted on as a group in one of the first items of business of each Commission meeting. Items may be removed from the Consent Agenda for discussion on the Regular Agenda at the request of any Commissioner prior to the meeting.*

### Consent Agenda - Orders and Resolutions

**1 Res TL - 19067**

[4974] Resolution approving issuance of charter-party carrier certificates pursuant to Section 5374(b) of the Public Utilities Code.

**2 Res ALJ 176-3163**

[4976] Ratification of preliminary determination of category for proceedings initiated by application. The preliminary determinations are pursuant to Article 2.5, Rules 4 and 6.1 of the Commission's Rules of Practice and Procedure.

**3 A05-02-005 - Apple Valley Ranchos Water Company (Apple Valley).**

[5019] This decision adopts test year 2006 revenue requirements, authorizes a return on equity, and creates a low-income ratepayer assistance program for Apple Valley. This application is closed.

(Comr Grueneich - ALJ Long)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

Agenda 3162, Item 8 11/18/2005 (Staff)

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Consent Agenda - Orders and Resolutions (continued)

- 4**  
[5039]      **A05-03-026 - Southern California Edison Company (SCE).**  
This decision grants the Motion to accept a Settlement Agreement between SCE and several parties to this proceeding, finding it to be reasonable in light of the whole record, consistent with law, and in the public interest. The Settlement Agreement establishes a funding level of \$12 million for the proposed Advanced Integrated Meter Project over 18 months as reasonable and establishes the manner by which the costs will be recovered by adopting specific ratemaking and cost recovery treatment for the authorized funds. This proceeding is closed.  
(Comr Peevey - ALJ Cooke)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*
- 5**  
[5044]      **R04-04-003 - Order Instituting Rulemaking to promote policy and program coordination and integration in electric utility resource planning.**  
This decision confirms the allocation of the Department of Water Resources' (DWR) Kings River Conservation District contract for operational purposes to Pacific Gas and Electric Company (PG&E), and the allocation of the DWR's City and County of San Francisco contract to PG&E, subject to the terms and conditions of the contract becoming final. The Williams Product D units contract is allocated to Southern California Edison Company (SCE). The Commission preserves the status quo with the two other DWR contracts at issue in this proceeding. The Sempra Energy contract will remain with SCE and the Sunrise Power Company contract will stay with San Diego Gas & Electric Company. While the Commission is not reallocating these contracts, the Investor Owned Utilities (IOU) are free to negotiate mutually agreeable allocations that allow each IOU to maintain grid reliability.  
(Comr Peevey - ALJ Brown)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*
- 6**  
[5046]      **Res T-16963**  
This resolution adopts a revised California High Cost Fund-A surcharge rate of 0.21% effective January 1, 2006, until further revised by the Commission.  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*
- 7**  
[5047]      **Res T-16964**  
This resolution adopts a surcharge rate of 2.00% for the California High Cost Fund-B Administrative Committee fund effective January 1, 2006 and thereafter, until further revised by the Commission.  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*
- 8**  
[5048]      **Res T-16965**  
This resolution adopts a revised Deaf and Disabled Telecommunications Program surcharge rate of 0.27% effective January 1, 2006, until further revised by the Commission.  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

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Consent Agenda - Orders and Resolutions (continued)

- 9**  
[5049] **Res T-16966**  
This resolution will revise the Universal Lifeline Telephone Service (ULTS) surcharge from 1.55% to 1.29% for the funding of ULTS program.  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*
- 10**  
[5050] **Res T-16888**  
This resolution adopts a surcharge rate of 0.13% effective January 1, 2006, until further revised by the Commission. All telecommunications carriers shall assess a California Teleconnect Fund surcharge rate of 0.13% on their end-user's bills for intrastate telecommunications services rendered on January 1, 2006 and thereafter, until revised by the Commission.  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*
- 11**  
[5052] **Res T-16967**  
This resolution adopts the California High Cost Fund-A support for 17 small Local Exchange Carriers for Calendar Year 2006.  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*
- 12**  
[5056] **A03-12-008 - California Water Service Company (CWS).**  
A04-08-017 - Related matters. This decision authorizes CWS to include in ratebase and have an opportunity to earn a fair return on its remaining investment in its Chico District consolidated operations and customer center through a \$171,300 revenue requirement change. CWS is also authorized to establish infrastructure memorandum accounts to track the sale of real property no longer necessary or useful for utility purposes. These proceedings are closed.  
(Comr Kennedy - ALJ Galvin)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*
- 13**  
[5061] **Res G-3383 - The California Energy Commission (CEC).**  
CEC requests approval of its 2006 program plan and funding request for the Natural Gas Public Interest Research Program. CEC's request is approved pursuant to California Public Utilities Commission Decision 04-08-010.  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*
- 14**  
[5066] **A05-02-019 - San Diego Gas & Electric Company.**  
For authority to make various electric rate design changes, close certain rates, and revise cost allocation among customer classes effective January 1, 2006. This decision adopts an all-party settlement if modified to exclude the Total Rate Adjustment Component and clarified that only the settling parties' rate design is adopted. This proceeding is closed.  
(Comr Grueneich - ALJ Long)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

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Consent Agenda - Orders and Resolutions (continued)**15** **R01-08-028 - Order Instituting Rulemaking to examine the Commission's future energy efficiency policies, administration and programs.**  
[5067]

This decision approves the requests by SBW Consulting, Inc., Portland Energy Conservation, Inc., San Diego Regional Energy Office, and Navigant Consulting Inc. to extend the time for them to fulfill customer and program commitments entered into by December 31, 2005 beyond the dates currently contracted for. This decision denies the requests by H&L Energy Savers and the City of Davis to extend the time for new customers to enroll in programs beyond December 31, 2005. This decision delegates authority to Energy Division to approve or reject requests for extension that are filed on or after October 26, 2005 and establishes close of business on December 5, 2005 as the deadline by which requests for extension must be filed.

(Comr Kennedy - ALJ Weissman)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.*

**16** **A04-07-033 - Silverado Stages, Inc. (Silverado).**  
[5069]

This decision grants Silverado authority to operate as passenger stage carrier. This proceeding is closed.

(Comr Kennedy - ALJ DeBerry)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

**17** **Res TL-19066**  
[5070]

This resolution extends for one year the authority granted to vessel common carriers by Resolutions TL-19042 and TL-19051 to adjust fares and rates to offset higher fuel costs, and increases the "zone of reasonableness" from 15% to 20% above currently authorized base fares and rates.

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

**18** **A05-08-027 - InterMetro Communications, Inc. (Applicant).**  
[5084]

Applicant seeks a certificate of public convenience and necessity under Pub. Util. Code §1001 for authority to provide facilities-based and resold competitive local exchange telecommunications services. The requested authority is granted. This proceeding is closed.

(Comr Kennedy - ALJ Patrick)

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

**19** **Res W-4574 - R.R. Lewis Small Water Company (RRLewis).**  
[5101]

This resolution authorizes RRLewis an interim general rate increase subject to refund, producing an increase in gross annual revenues of \$3,600 or 12.82%.

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Consent Agenda - Orders and Resolutions (continued)**20                    A05-08-031 - Lodi Gas Storage, L.L.C. (LGS), Western Hub Properties L.L.C. and WHP Acquisition Company II, L.L.C.**  
[5117]

This decision approves the transfer of a 50% interest in Lodi Holdings, the parent company of LGS, to WHP Acquisition Company II, a company controlled by ArcLight Energy Partners Fund II. A transfer of the other 50% interest in Lodi Holdings was approved in D03-02-071. Applicants note that after the transfer, LGS will continue to be bound by all of the terms and conditions set forth in its CPCN, as amended, and will continue to offer gas storage services subject to the tariff LGS has filed with the Commission. Because the proposed transfer will result in no change in how LGS is operated, this decision approves the proposed transfer subject to the same restrictions set forth in D03-02-071. The decision also concludes that because the proposed transfer would have no significant effect on the environment, it is exempt from further CEQA review.

(Comr Bohn - ALJ McKenzie)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

**21                    Res E-3963 - Southern California Edison Company (SCE).**  
[5118]

SCE requests approval of a new wind energy contract located on non-operating surplus land owned by SCE. SCE's Advice Letter 1914-E is conditionally approved. (Advice Letter 1914-E, filed August 31, 2005)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

**22                    A05-08-017 - Advance Shuttle, LLC (Applicant).**  
[5119]

This decision authorizes Applicant to operate as a passenger stage corporation (1) between points in Los Angeles and Orange Counties, on the one hand, and Los Angeles International, John Wayne, and Long Beach Airports, on the other hand, and (2) between these airports; and to establish a zone of rate freedom. This proceeding is closed.

(Exam Clark)

**23                    Res E-3965 - San Diego Gas & Electric Company (SDG&E).**  
[5120]

SDG&E requests approval of three new renewable resource procurement contracts: SES Solar Two (Stirling), MM Prima Deshecha Energy (Algonquin), and Covanta Otay 3 (Covanta). These contracts are approved without modifications. (Advice Letter 1727-E, filed September 22, 2005)

**24                    Res T-16961 - SureWest Telephone Company (SureWest).**  
[5121]

This resolution approves a CMRS Interconnection Agreement between SureWest and Nextel of California, Inc., in accordance with the provisions of General Order 96-A and Resolution ALJ-181.

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## Regular Agenda

### Regular Agenda - Energy Orders

- 25**  
[5043]      **R04-04-003 - Order Instituting Rulemaking to promote policy and program coordination and integration in electric utility resource planning.**  
R04-04-025 - Related matters. This decision continues the interim relief as provided in D04-01-050 for Qualifying Facilities (QF) with expired or expiring contracts from January 1, 2006 until the Commission issues a final decision in the combined two dockets, R04-04-003 and R04-04-025. The Investor Owned Utilities are to continue purchasing power pursuant to a five-year SO1 contract from QFs with a contract set to expire during this term, and the pricing terms should be consistent with the guidelines provided in D04-01-050.  
(Comr Kennedy, Comr Peevey - ALJ Brown, ALJ Halligan)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*
- 26**  
[5051]      **A04-02-026 - Southern California Edison Company (SCE).**  
This decision approves the steam generator replacement program (SGRP) proposed by SCE for San Onofre Nuclear Generating Station Units 2 & 3 subject to the requirements imposed herein. In addition, the decision certifies the Final Environmental Impact Report for the SGRP pursuant to the California Environmental Quality Act. This proceeding is closed.  
(Comr Brown - ALJ O'Donnell)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
*This matter may be considered during the Ratesetting Deliberative Meeting.*  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*
- 27**  
[5057]      **A00-11-038 - Southern California Edison Company.**  
For authority to institute a rate stabilization plan with a rate increase and end of rate freeze tariffs. A00-11-056, A00-10-028 - Related matters. This decision allocates the 2006 revenue requirement of the California Department of Water Resources (DWR), using the allocation methodology adopted in D05-06-060. The results of this allocation are set forth in Appendix A. DWR submitted a revenue requirement determination for 2006 of \$4.991 billion on August 3, 2005, revised on October 27, 2005 to \$5.366 billion, an increase of \$375 million.  
(Comr Brown - ALJ Allen)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

## Regular Agenda - Energy Orders (continued)

**28**

[5073]

**R03-10-003 - Order Instituting Rulemaking to implement portions of AB 117 concerning Community Choice Aggregation.**

This decision resolves outstanding issues in Phase 2 of this proceeding, the purpose of which is to implement a program to permit purchases of power by Community Choice Aggregators (CCA) for local residents and businesses. This decision is issued in compliance with Assembly Bill 117 (2002 Stats., ch. 838), enabling cities and counties to form CCAs.

(Comr Peevey - ALJ Malcolm)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*



**Regular Agenda - Energy Resolutions and Written Reports****29**

[5059]

**Res E-3956 - Pacific Gas and Electric Company (PG&E).**

PG&E submits electric tariff revisions to recover balances in balancing accounts, establish the Energy Recovery Bonds Balancing Account revenue requirement, and consolidate changes to electric rates effective January 1, 2006. Approved with modifications. (Advice Letter 2706-E, filed September 1, 2005)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

**30**

[5060]

**Res E-3959 - San Joaquin Local Agency Formation Commission (LAFCo),**

LAFCo requests a Commission opinion on the effect of the application by Lathrop Irrigation District to annex 4,767 acres within Pacific Gas and Electric Company's service territory.

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

## Regular Agenda - Telecommunication Orders

### 31 (Rev.)

[4819]

#### **R01-09-001 - Order Instituting Rulemaking on the Commission's own motion to assess and revise the new regulatory framework for Pacific Bell and Verizon California Incorporated.**

I01-09-002 - Related matters. In response to the petition of The Utility Reform Network and Office of Ratepayer Advocates, the draft decision has modified the years covered by the audit to include years 2002, 2003 and 2004. In response to the petition of Verizon, the draft decision has limited the audit to these three years. In addition, the cost of the audit to be recovered from ratepayers is capped at \$1 million. Finally, the draft decision provides guidance concerning the audit scope for ORA, but neither adopts rules restricting the scope nor does it defer the commencement date.

(Comr Kennedy - ALJ Kenney)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

Agenda 3157, Item 61 8/25/2005 (Brown);

Agenda 3158, Item 33 9/8/2005 (Bohn);

Agenda 3159, Item 37 9/22/2005 (Kennedy);

Agenda 3160, Item 19 10/6/2005 (Bohn);

Agenda 3161, Item 43 10/27/2005 (Kennedy);

Agenda 3162, Item 41 11/18/2005 (Peevey)

11/28/2005 - This revision was not shown on the Agenda mailed to the public.

### 31a

[4873]

#### **ALTERNATE TO ITEM 4819**

I01-09-002 - Related matters. This alternate decision varies from the draft decision in that it does not attempt to direct ORA's audit of Verizon nor does it put limitations on ORA's audit via the allocation of funding for the audit.

(Comr Brown)

Agenda 3157, Item 61a 8/25/2005 (Brown);

Agenda 3158, Item 33a 9/8/2005 (Bohn);

Agenda 3159, Item 37a 9/22/2005 (Kennedy);

Agenda 3160, Item 19a 10/6/2005 (Bohn);

Agenda 3161, Item 43a 10/27/2005 (Kennedy);

Agenda 3162, Item 41a 11/18/2005 (Peevey)

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=202821](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=202821)

### 32

[5054]

#### **R04-12-001 - Order Instituting Rulemaking into implementation of Federal Communications Commission Report and Order 04-87, as it affects the Universal Lifeline Telephone Service Program.**

This decision adopts revisions to General Order 153.

(Comr Grueneich - ALJ Jones)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.*

**Regular Agenda - Legal Division Matters****33****WC Docket No. 05-271**

[5088]

Notice of Proposed Rulemaking on Consumer Protection re Broadband Services. Recommendation that the Commission participate in FCC proceeding that seeks comment on consumer protection measures for broadband Internet access services. These measures include customer privacy, slamming/cramming, truth-in-billing, network outage reporting, discontinuance of service, and statutory rate averaging requirements.

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**Regular Agenda - Legislative Matters - Discussion**

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## **Regular Agenda - Commissioner's Reports**

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**Regular Agenda - Management Reports and Resolutions**

## Closed Session

*This notice is furnished under Government Code Sections 11125 and 11126.3. The Commission will meet in Closed Session following the Public Session of its regularly scheduled meeting. In the Closed Session, the Commission may consider personnel matters as provided under Government Code Section 11126(a), institution of proceedings or disciplinary actions against any person or entity under the jurisdiction of the Commission as provided under Government Code Sections 11126(d)(2) and 11126(e)(2)(C)(i), and pending litigation as provided under Government Code Section 11126(e). Additional items may be added to the closed session agenda pursuant to Gov. Code Section 11126.3(d). If in Closed Session the Commission votes to appoint, employ, or dismiss a public employee, the Commission will thereafter reconvene in Open Session to make the disclosures required by Government Code Sections 11125.2 and 11126.3(f).*

### Closed Session - Non-Federal

- 34**                      **Conference with Legal Counsel - Applications for Rehearing**  
 [4978]                      Compilation of applications for rehearing recently filed with the Commission.  
                                  *Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.*
- 35**                      **R01-09-001 - Conference with Legal Counsel - Application for Rehearing**  
 [4928]                      I01-09-002 - Related matters. Disposition of Application for Rehearing of D04-02-063 filed jointly by the Office of Ratepayer Advocates and The Utility Reform Network. In D04-02-063, the Commission disposed of four of 72 findings resulting from an audit of SBC Pacific Telephone Company (Pacific) for the period of 1997 to 1999. Among other things, the Decision determined that Pacific had properly written off the regulatory asset associated with post-retirement benefits other than pensions (PBOPs) above the line in 1998.  
                                  *Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.*  
                                  Agenda 3159, Item 45 9/22/2005 (Staff);  
                                  Agenda 3160, Item 26 10/6/2005 (Kennedy);  
                                  Agenda 3161, Item 48 10/27/2005 (Kennedy);  
                                  Agenda 3162, Item 48 11/18/2005
- 36**                      **R02-11-039 - Conference with Legal Counsel - Application for Rehearing**  
 [4956]                      Disposition of applications for rehearing of D04-05-017 and D04-05-018 filed by Mirant Delta, LLC and Mirant Potrero, LLC; Western Power Trading Forum et al.; and Elk Hills Power, LLC. D04-05-017 and D04-05-018 adopted requirements for the operation and maintenance of electric generating facilities pursuant to Public Utilities Code Section 761.3. D04-05-017 adopted Logbook Standards for thermal powerplants; D04-05-018 adopted General Order 167 implementing General Duty Standards and Maintenance Standards for electric generating facilities.  
                                  *Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.*  
                                  Agenda 3160, Item 29 10/6/2005 (Staff);  
                                  Agenda 3161, Item 50 10/27/2005 (Staff);  
                                  Agenda 3162, Item 49 11/18/2005

Closed Session - Non-Federal (continued)

- 37**                    **A05-09-031 - Conference with Legal Counsel - Application for Rehearing**  
[5102]                Disposition of Application for Rehearing of Resolution W-4556 (Resolution) filed by the Office of Ratepayer Advocates. Resolution W-4556 granted the request of Great Oaks Water Company, a Class A water utility, to file its General Rate Case by advice letter rather than by formal application. The Resolution stated that the request was granted as an experiment to determine whether and when the advice letter process may be a suitable alternative to the formal application process.  
*Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.*
- 38**                    **A02-05-004 - Conference with Legal Counsel - Application for Rehearing**  
[5109]                I02-06-002 - Related matters. Disposition of application for rehearing of D05-09-010, filed by Manfred F. Gildner. In D05-09-010, the Commission awarded Gildner \$6,725 in intervenor compensation for his substantial contributions to D05-03-022, issued in Phase 2 of the test year 2003 general rate case of Southern California Edison.  
*Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.*
- 39**                    **A04-05-017 - Conference with Legal Counsel - Application for Rehearing**  
[5122]                Disposition of application for rehearing of D05-07-042 filed by the California Attorney General (AG). D05-07-42 amends Wiltel Communications LLC's (Wiltel) Certificate of Public Convenience and Necessity (CPCN) to remove on an interim basis the requirement that Wiltel apply for a CPCN for certain smaller construction projects. The Decision concludes that because of the CPCN requirement, Wiltel had been subject to a stricter level of California Environmental Quality Act (CEQA) review than its competitors.  
*Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.*



**Closed Session - Initiation of Litigation - Non-Federal**

Consideration of possible Commission initiation of, or intervention in, litigation.

*Gov. Code § 11126(e)(2)(C)(i), allows this item to be considered in Closed Session.*

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**Closed Session - Threatened Litigation - Non-Federal**

Significant exposure to litigation

*Gov. Code § 11126(e)(2)(B), allows this item to be considered in Closed Session*

### **Closed Session - Personnel Matters**

Consideration of appointment, employment, evaluation of performance, or dismissal of a public employee or to hear complaints or charges brought against that employee by another person or employee.

*Gov. Code § 11126(a), allows this item to be considered in Closed Session*

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**Closed Session - Threatened Litigation - Federal**

Significant exposure to litigation in federal agency or court proceedings.

*Gov. Code § 11126(e)(2)(B), allows this item to be considered in Closed Session*

### **Closed Session - Initiation of Litigation - Federal**

Consideration of possible Commission initiation of, or intervention in, federal agency or court proceedings.

*Gov. Code § 11126(e)(2)(C)(i), allows this item to be considered in Closed Session.*

**Closed Session - Federal**

**40**                    **FERC Docket No. EL05-146-000 - Conference with Legal Counsel - Existing Litigation**  
[5123]                Independent Energy Producers Assoc. v. California Independent System Operator Corp.  
                         *Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.*

**41**                    **FERC Docket No. ER06-186 - Conference with Legal Counsel - Existing Litigation**  
[5127]                Southern California Edison Company, FERC Docket No. ER06-186.  
                         *Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.*

**42**                    **FERC Docket Nos. CP04-58-000, et al. - Conference with Legal Counsel - Existing**  
[5128]                **Litigation**  
                         Sound Energy Solutions, FERC Docket Nos. CP04-58-000, et al.  
                         *Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.*

**Closed Session - FERC Docket No. EL00-95-000**

Conference with Legal Counsel - Existing Litigation; San Diego Gas & Electric Co., EL00-95-000

*Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.*